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NOMINATIONS

HEARING BEFORE THE COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

JOHN F. COGAN, OF CALIFORNIA, TO BE ASSISTANT SECRETARY OF LABOR (FOR POLICY, EVALUATION, AND RESEARCH) ;

LENORA COLE-ALEXANDER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR, WOMEN'S BUREAU, DEPARTMENT OF LABOR;

ROSEMARY M. COLLYER, OF COLORADO, TO BE COMMISSIONER, FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION;

AND

FORD B. FORD, OF CALIFORNIA, TO BE ASSISTANT SECRETARY OF LABOR (FOR MINE SAFETY AND HEALTH)

OCTOBER 14, 1981



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NOMINATIONS

WEDNESDAY, OCTOBER 14, 1981

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to notice, at 2:15 p.m., in room 4232, Dirksen Senate Office Building, Senator Orrin G. Hatch (chairman) presiding.

Present: Senator Hatch.

OPENING STATEMENT OF SENATOR HATCH

The CHAIRMAN. Today's hearing is to consider four nominations submitted by the President: Mr. John F. Cogan, to be Assistant Secretary for Policy, Evaluation, and Research at the Department of Labor; Ms. Lenora Cole-Alexander, to be Director of the Women's Bureau at the Department of Labor; Ms. Rksemay M. Collyer, to be Commissioner on the Federal Mine Safety and Health Review Commission; and Mr. Ford B. Ford, to be Assistant Secretary of Labor for Mine Safety and Health.

The offices to which these individuals have been nominated reflect the varied responsibilities which the Federal Government has undertaken for the protection of the American workers. They are all important posts. They all make a valuable contribution to formulating and implementing Federal labor policy.

In reviewing the credentials of the four nominees, I am impressed by the talents, skills, and experience which each will bring to their office.

The Office of Policy, Evaluation, and Research provides the Secretary of Labor with analytical support on a wide variety of economic and regulatory policy issues.

The Women's Bureau, though a relatively small agency, has a formidable mandate. Its goal is to promote the welfare and improve the economic status of working women, to increase the utilization of women in the Nation's economy, and to encourage the advancement of women workers.

Finally, two of the nominees have important responsibilities in connection with the Federal Mine Safety and Health Act of 1977. The Federal Mine Safety and Health Review Commission is the independent adjudicatory body charged with administratively reviewing the enforcement actions of the Secretary; and the Assistant Secretary of course has a multitude of duties in administering the Mine Safety Act, including investigations and inspections, promoting training programs, and developing safety and health standards.

I look forward to hearing from the nominees here today and hope that we can speed their confirmations along so that they can all begin the important tasks with which the President has entrusted them.

If I could, I would like to ask each of the nominees to summarize their statements.

We will put your full statements in the record as though fully delivered. If you will summarize your statements so that we can ask a few questions, then maybe this will move right along this afternoon.

I might have to interrupt in the middle because of various interviews that I have to go through today.

With that, we will call on John F. Cogan, the Assistant Secretary-designate of Labor for Policy, Evaluation, and Research.

John, we are happy to have you here. Please proceed.

STATEMENT OF JOHN F. COGAN, NOMINEE TO BE ASSISTANT SECRETARY OF LABOR FOR POLICY, EVALUATION, AND RESEARCH

Mr. COGAN. Mr. Chairman, I am deeply honored that President Reagan has nominated me for the position of Assistant Secretary of Labor for Policy, Evaluation, and Research.

I welcome this opportunity to appear before the committee to answer any questions concerning my nomination. I personally look forward to working closely with this committee to establish effective policies designed to improve the employment opportunities and conditions of the American worker.

As my title suggests, there are three main areas of responsibility in my position. One is working with the Secretary, his executive staff, and members of this committee on long-term policy issues. Another is to work with the same group of individuals on short-term policy issues. One of the first policy issues I intend to address is reauthorization.

In the area of evaluation my job is primarily to provide a continuing examination of existing programs, policies, and regulation.

In the area of research my role is to develop and manage a research agenda that will provide basic information necessary for the intelligent formulation of labor policy.

Mr. Chairman, I view the job of Assistant Secretary for Policy, Evaluation, and Research as a challenging opportunity; and I believe my prior experience prepares me for the position.

I received my Ph. D. in economics from the University of California at Los Angeles in 1976, and most recently I have spent my time teaching economics at Stanford University and doing research at the Hoover Institution.

My research has primarily involved attempting to explain the determinants of the decline in black teenage employment.

Mr. Chairman, this concludes my preliminary remarks. I would be pleased to consider any questions that you might have concerning my nomination.

The CHAIRMAN. Thank you, Dr. Cogan.

I see from your statement that you have done research into the problem of youth unemployment and that one of your first prior-

ities will be to help develop the administration's position with respect to next year's CETA reauthorization.

Could you share with us some of your thoughts and perhaps your findings with respect to adopting a youth differential minimum wage as a means of dealing with youth unemployment? Do you favor a youth differential? Do you believe that it would lead to the problems of substitution for older workers?

Mr. COGAN. The primary problem with a youth subminimum is that it is likely to induce some substitution of teenagers for older workers. As a policy matter, it seems to me that the critical issue is the magnitude of that substitution effect.

If the substitution effect is small, then I am very much in favor of a youth subminimum. If the substitution effect is large, then perhaps we should reconsider the issue of a subminimum and perhaps impose some type of restriction on employers' ability to make that substitution.

The CHAIRMAN. What is your belief as to what it would be? Would it be a large substitution for older workers or a small one?

Mr. COGAN. At present, sir, we have very little empirical evidence on the issue. My own view is that it is not likely to be large. The jobs that are typically handled by teenagers are not that similar to those handled by adults.

The CHAIRMAN. I noticed that, in the only economic analysis—that I know of—which has been done, where we had two economists—one who was invited by Senator Kennedy and the other by me—indicate there would be some substitution, that the youth differential would create as many as 350,000 to 450,000 new jobs, and that there would be a substitution of maybe 45,000 for older persons' jobs but that would be taken care of primarily by attrition.

If that were the case, then I presume you would feel fairly confident that a youth differential might be a way to try and stimulate youth unemployment.

Mr. COGAN. Yes, sir.

One thing we should consider is that an increase in the minimum wage is an increase in the cost of the teenager relative to an adult. This creates a substitution away from the teenager and toward the adult. A youth differential would reverse this substitution.

The CHAIRMAN. So people like Thomas Sowell who have argued that every time the minimum wage goes up we foreclose work-life experiences for maybe millions of young people—37 percent of our young blacks and as high as 47 percent a month or two ago—are probably accurate in their conclusions?

Mr. COGAN. Yes, sir.

The CHAIRMAN. Are you in a position to share with us at this point what some of the administration's objectives will be in connection with the CETA reauthorization?

Mr. COGAN. I think what generates interest in a CETA-type program is the high unemployment rate among minority teenagers. The objective then, I think, of a program such as CETA should be to bring down that barometer of a social problem.

Other than that, I do not think it is appropriate for me at this time to get into any details as to how we would achieve that objective, except to say that it appears that the programs that we

have been implementing in the past have not been successful in bringing down the unemployment rates of teenagers, and it is unlikely that if we continue along the same path we are going to have any different effect.

The CHAIRMAN. From your experience, can you tell us what some of the problems have been with the past legislation?

Mr. COGAN. Sir, most previous legislation has focused on the demand side. That might sound strange coming from a person who has been nominated by the supply-side conscious Reagan administration. No youth policy that we have had so far—except perhaps for the targeted jobs tax credit—has attempted to focus on the demand side.

A youth subminimum focuses on the demand side by lowering the cost of teenagers and should increase the quantity of teenagers demanded.

I feel that perhaps a component of an overall youth package might be a youth subminimum if the degree of substitutability between younger workers and older workers is not that large.

The CHAIRMAN. Can you tell us how you will be coordinating your office's activities with the Employment and Training Administration?

Mr. COGAN. Currently, Assistant Secretary Angrisani, Under Secretary Lovell, and I have collaborated to produce a preliminary paper outlining some possible options. We hope to be able to deliver some type of paper to this committee in a few weeks.

The CHAIRMAN. Thank you, Mr. Cogan. We feel that you are an excellent choice, and we hope you have no difficulties at all with your nomination. We appreciate your being here.

Mr. COGAN. Thank you very much, Senator.

[The prepared statement and biographical sketch of Mr. Cogan follow:]

STATEMENT OF JOHN F. COGAN
ASSISTANT SECRETARY-DESIGNATE OF LABOR
FOR POLICY, EVALUATION AND RESEARCH
BEFORE THE
COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

OCTOBER 14, 1981

Mr. Chairman and Members of the Committee:

I am deeply honored that President Reagan has nominated me for the position of Assistant Secretary of Labor for Policy, Evaluation and Research. I welcome this opportunity to appear before the committee to answer any questions concerning my nomination. I personally look forward to working closely with this committee to establish effective policies designed to improve the employment opportunities and conditions of the American worker.

As my title suggests, my position has three primary areas of responsibility. My role in the policy area is to work with Secretary Donovan, his Executive Staff, and members of this committee on formulating and coordinating the long-term labor market policies of the Department as well as policy matters that are of more immediate concern. One policy issue that will occupy my immediate attention is CETA reauthorization. Much of my research has focused on the youth employment problem and I hope to be able to contribute to the development of policies which will alleviate the problem.

In the area of evaluation, my job is to provide a continuing examination of existing programs, policies and regulations resulting in the elimination or modification of those which have been ineffective, wasteful and counterproductive.

In the area of research my role is to develop and manage a research agenda that will provide the basic information necessary for the intelligent formulation of labor policy. Scientific knowledge is valuable for its own sake; but more importantly, it serves as the basis for evaluating and proposing alternative policies. Without knowledge of the underlying causes, we cannot formulate effective policies to alleviate a problem. If confirmed, I intend to work with this committee to identify areas where the Department's research funds can be most fruitfully applied.

Mr. Chairman, I view the job of Assistant Secretary for Policy, Evaluation and Research as a challenging opportunity and I believe my prior experience prepares me for the position. I received my Ph.D. in Economics from the University of California at Los Angeles in 1976. For two years thereafter I worked at the Rand Corporation,

researching such issues as the effects of taxation on work effort and the labor market behavior of married women. Since leaving Rand I have spent my time teaching in the Economics Department at Stanford University and doing research at the Hoover Institution. This research involved analyzing the determinants of the decline in black teenage employment. I have written and published several papers on this topic.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions that you or other committee members may have.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: COGAN JOHN FRANCIS
(LAST) (FIRST) (OTHER)

Position to which nominated: Assistant Secretary of Labor Date of nomination: _____

Date of birth: 4 6 47 Place of birth: New York City, N.Y.
(DAY) (MONTH) (YEAR)

Marital status: Single Full name of spouse: N/A

Name and ages of children: N/A
N/A
N/A

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>U. of Calif. at Los Angeles</u>	<u>9-70 - 11/76</u>	<u>Ph.D.</u>	<u>11/76</u>
	<u>U. of Calif. at Los Angeles</u>	<u>9-67 - 6/69</u>	<u>B.A.</u>	<u>6/69</u>
	<u>Pasadena City College</u>	<u>7/65 - 6/69</u>	<u>B.A.</u>	<u>6/67</u>
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Rockefeller Foundation Research Fellowship

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
American Economic Association	None	1978

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Associate Economist, The Rand Corporation, 1975-1980

National Fellow, Hoover Institution, 1979

Acting Assistant Professor of Economics, Stanford U. 1978-79

Visiting Scholar, National Bureau of Economic Research, 1978-79

Visiting Assistant Professor of Economics, Stanford U. 1/78-4/78

Consultant, Foundation for Research in Economics & Education, 1975

Lecturer in Economics, University of Calif. at Santa Barbara 1974-75

Resident Consultant, The Rand Corporation 1971-74

Government
experience:

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

U.S. Department of Labor, Consultant 9/81 - present

U.S. Department of Transportation 4/81 - 8/81

Published
writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

See attached sheet.

Political
affiliations
and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

None

Publications and Papers

"Alternative Estimators of Married Women's Labor Supply Functions: A Comparison," in J. P. Smith (ed.), Female Labor Supply: Theory and Estimation, Princeton: Princeton University Press, 1980.

"Labor Supply with Costs of Work," in J. P. Smith (ed.), Female Labor Supply: Theory and Estimation, Princeton, Princeton University Press, 1980.

"Fixed Costs and Labor Supply," Econometrica, (also NBER Working Paper) July 1981.

"New Evidence on Work Disincentives," Challenge Magazine, July/August 1978.

Book Review of The New Jersey Income Maintenance Experiment, Vol. 2: Labor Supply Responses, in Watts and Rees (ed.), Journal of Political Economy, (April 1979).

"New Evidence of the Work Disincentives of a Negative Income Tax," (Testimony before U.S. Senate), published in Welfare Research and Experimentation: Hearings Before the Subcommittee on Public Assistance of the Committee on Finance, U.S. Senate, 95th Congress, 2nd Session, November 1978.

"The Decline in Black Teenage Employment: 1950-1970," (forthcoming) American Economic Review, January 1981.

"Labor Supply and the Value of the Housewife's Time." The Rand Corporation, R-1461-OEA/EDA/RF, April 1975.

"Energy and Jobs: A Long-run Analysis," with M. Bruce Johnson and Michael P. Wand, International Institute for Economic Research, Original Paper 3, July 1976.

"Labor Supply with Time and Money Costs of Participation," The Rand Corporation, R-2044/HEW, October 1977.

"Family Formation, Labor Market Experience and Wages of Married Women," with Franklin Berger, The Rand Corporation, R-2310, April 1978.

"Must a Rise in Wage Rates Reduce Participation in NIT Programs?" The Rand Corporation, P-2304, June 1978.

"Conditional Labor Supply Functions," The Rand Corporation, R-2045/DOL, September 1978.

"Some Observations on Youth Employment," (mimeo) The Hoover Institution, July 1980.

"The Decline in Black Teenage Employment: 1950-1970." NBER Working Paper, June 1981

"Black Teenage Employment and the Minimum Wage: A Time Series Analysis," Hoover Institution, Working Paper No. E-81-9, August 1981.

"Black Employment in the 1970s," Hoover Institution, July 1981 (with Peter Godat).

"Black Teenage Employment and the Declining Central City Hypothesis," Hoover Institution, July 1981 (with Peter Godat).

"The Labor Response to Negative Income Taxes: New Evidence from the New Jersey-Pennsylvania Experiment," The Hoover Institution, July 1981

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

No. Have taken leave of absence from Stanford University.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Yes

3. Has a commitment been made to you for employment after you leave Federal service?

Yes

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts
of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

TIAA Creff Account

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

I will take any reasonable action necessary to eliminate any
conflict.

The CHAIRMAN. Our next nominee will be Lenora Cole-Alexander, to be Director of the Women's Bureau of the Department of Labor.

Ms. Alexander, we are very happy to have you here. We enjoyed meeting you the other day and look forward to working with you.

**STATEMENT OF LENORA COLE-ALEXANDER, NOMINEE TO BE
DIRECTOR, WOMEN'S BUREAU, DEPARTMENT OF LABOR**

Ms. COLE-ALEXANDER. Thank you, Mr. Chairman.

It is a distinct honor to have been nominated by President Reagan as Director of the Women's Bureau for the Department of Labor. I am pleased to appear before this committee in conjunction with my nomination.

I would like to summarize my statement.

I feel that it is a profound challenge to provide leadership to the Women's Bureau at this time, and I am willing to accept the assignment. My background as an educator and experienced administrator and a person concerned with the problems of women has prepared me to accept this challenge.

During my tenure I would like to see the Women's Bureau continue its involvement in the establishment of policy and the formulation of programs designed to improve the plight of working women.

The cooperative working relationships with other agencies within the Department of Labor—OSHA, ETA, and the Solicitor's Office—must be maintained and strengthened. Additionally, even closer alliances must be developed with other agencies such as ASPER and OFCCP.

It is essential that the Bureau continue to strengthen its contacts with other Federal, State, and local agencies in order to work cooperatively and be responsive to the needs and concerns of women in the marketplace and to give special attention to a greater degree of cooperation in the private and corporate sectors.

I am deeply concerned about the needs and problems of working women—sex and race discrimination; pay equity and comparable worth in the world of work; displaced homemakers; high rates of unemployment among teenage women; the absence of upward mobility opportunities for women employed in dead-end or "women's occupations;" single parent families; mothers of young children in the work force; the needs of older working women; women as entrepreneurs; the continued dependency on welfare and Government programs and subsidies as a way of life or means of survival; and, finally, the issues surrounding sexual harassment so frequently experienced by employed women.

Women are a valuable and untapped reservoir of human and economic talent. Realistically, they have always responded to Government policy. Fully utilized, they will be a force in providing workable solutions for many of the economic problems confronting American society.

Given the opportunity, women will assist in developing the President's program to revitalize the Nation's economy and will promote the success of his economic recovery program.

As Director of the Women's Bureau, I intend to enlist assistance from the private sector in responding to the needs of working women.

Over the years, utilizing funds made available by ETA, the Bureau has developed and tested a number of demonstration employment and training models to assist working women. Many of these models have great potential for use in the private sector and can facilitate improvement in the status of their women employees. The Women's Bureau is prepared to serve as a link in this type of effort.

This thrust would be consistent with the goals of Secretary Donovan. His support, along with cooperation from other Federal agencies and private sector initiatives, will assist in accomplishing this goal.

I want to thank you for your time and express my willingness to make future appearances before this committee or any other congressional committee as deemed necessary.

The CHAIRMAN. Thank you, Ms. Alexander.

I note that the Women's Bureau has been involved in a wide array of women's issues—employment discrimination, comparable work, sexual harassment, women in construction, goals and timetables, displaced homemakers, and working women with young children.

Quite frankly, some of us are concerned that the budget of your office is really too small at presently around \$3 million, as I understand. This of course has not enabled your office to take much of a leadership role or really to have much of a significant impact in the past.

I might say this: Given the modest size of the Bureau, how can your office instill within other agencies an attitude that will cause them to play an active role in promoting women's interests?

Ms. COLE-ALEXANDER. I might add that during the time that I have been serving as a consultant with the Bureau I have been impressed with the level of performance of the staff. Many of the women have personal issues and concerns themselves as they work on the projects and extend themselves tremendously.

With the budget cuts that we have endured, we recognize that some reorganization will be necessary, but we certainly do not want to diminish our effect within the working women's community.

The CHAIRMAN. In connection with the specific problem of OFCCP's Women in Construction goals and timetables, how can the Bureau help facilitate the expansion of programs?

Ms. COLE-ALEXANDER. The Bureau is in the process of preparing to launch, along with the Bureau of Apprenticeship and Training, a Women-in-Apprenticeship training initiative. We will be working very closely with employers, union officials, outreach program operators, and women's organizations in order to increase recruitment, placement, and retention of women in apprenticeship occupations; and we hope that through the work of our regional administrators and regional offices we can sponsor many more activities to assist in this effort.

The CHAIRMAN. In view of the modest size of your budget, do you feel that we should increase that budget in the coming years?

Ms. COLE-ALEXANDER. I would appreciate any more money that would be forthcoming, and I think my staff will join me in that appreciation. [Applause.]

The CHAIRMAN. You never know; we may be able to do that.

Ms. COLE-ALEXANDER. We will look forward to it.

The CHAIRMAN. I personally believe that we have to give renewed impetus to women's programs and to try to end some of the discrimination that exists in our society—some of it not at all intentional but nevertheless existing.

On the other hand, I do have some problems with issues like comparable work and so forth. We will have to explore that together, but we will see.

I personally believe that you are arriving at a time when you can really do a lot of good for women. This is an excellent opportunity for anybody and certainly for a woman with the skills and the education that you have, Dr. Alexander. I am very proud of you, and I am proud to see the administration picked somebody of your quality for this position.

Hopefully, we can move all of these nominations through quickly; and yours will be as quick as anybody's. Thank you for being here.

Ms. COLE-ALEXANDER. Thank you for your kind words.

[The prepared statement and biographical sketch of Ms. Cole-Alexander follow:]

STATEMENT OF LENORA COLE-ALEXANDER
DIRECTOR-DESIGNATE OF THE WOMEN'S BUREAU
U.S. DEPARTMENT OF LABOR
BEFORE THE
COMMITTEE ON LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

October 14, 1981

Mr. Chairman and Members of the Committee:

It is a distinct honor to have been nominated by President Reagan as Director of the Women's Bureau for the Department of Labor. I am pleased to appear before this Committee in conjunction with my nomination.

Historically, the Women's Bureau has enjoyed a long and distinguished record of serving working women. Originally created by a Congressional mandate in 1920, the Bureau was established to "formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency and advance their opportunities for profitable employment". Significantly, now more than 60 years later, the needs of working women have not departed greatly from the original mandate.

Today, women constitute more than 51 percent of the American population. In recent years, primarily for economic reasons, large numbers of women have been thrust into the labor market. Of all women 18 to 64 years of age, sixty-one percent are in the labor force. Women now constitute more than 43 percent of the nation's work force.

In 1979 approximately 60 percent of all employed women were single, widowed, separated, divorced--or married to men whose earnings were less than \$10,000 a year. Presently, 48 percent of impoverished families (using a standard of \$8,404 per year for a family of four) are maintained by women, and 60 percent of children living in poor families are in homes in which the woman is the sole source of support.

I am sharing these facts with you because they vividly portray the critical contemporary problems confronting many working women, and they certainly provide a philosophical base for conceptualizing the future role and direction of the Women's Bureau.

I feel that it is a profound challenge to provide leadership to the Women's Bureau at this time, and am willing to accept the assignment. My background as an educator, an experienced administrator, and a person concerned with the problems of women have prepared me to accept this challenge.

During my tenure I would like to see the Women's Bureau continue its involvement in the establishment of policy and the formulation of programs designed to facilitate the plight of working women. The cooperative working relationships with other agencies within the Department of Labor (i.e., OSHA, ETA, Solicitor's Office) must be maintained and strengthened. Additionally, even closer alliances must be developed with other agencies, such as ASPER and OFCCP. It is essential that the Bureau continue to strengthen its contacts with other Federal,

State and local agencies in order to work cooperatively and be responsive to the needs and concerns of women in the marketplace, and to give special attention to a greater degree of cooperation in the private and corporate sectors.

I am deeply concerned about the needs and problems of working women--sex and race discrimination; pay equity and comparable worth in the world of work; displaced homemakers; high rates of unemployment among teenage women; the absence of upward mobility opportunities for women employed in deadend or "women's occupations"; single parent families; mothers of young children in the work force; the needs of older working women; women as entrepreneurs; the continued dependency on welfare and government programs and subsidies as a way of life or means of survival; and finally, the plethora of issues surrounding sexual harassment so frequently experienced by employed women.

Women are a valuable and untapped reservoir of human and economic talent. Realistically, they have always responded to government policy. Fully utilized, they will be a force in providing workable solutions for many of the economic problems confronting American society. Given the opportunity women will assist in developing the President's program to revitalize the nation's economy, and will promote the success of his economic recovery program.

As Director of the Women's Bureau I intend to enlist assistance from the private sector in responding to the needs of working women. Over the years, utilizing funds made available by ETA, the Bureau has developed and tested a number of demonstration employment and training models to facilitate working women. Many of these models have great portability for use in the private sector and can facilitate a higher degree of elevation for the status of their women employees. The Women's Bureau is prepared to serve as a link in this type of effort. This thrust would be consistent with the goals of Secretary Donovan. His support, along with cooperation from other Federal agencies and private sector initiatives, will assist in accomplishing this effort.

I want to thank you for your time and to express my willingness to make future appearances before this Committee or any other Congressional Committee as deemed necessary.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: Alexander Lenora Cole
(LAST) (FIRST) (OTHER)

Position to which nominated: Director, Women's Bureau, Dept. of Labor Date of nomination: September 21, 1981

Date of birth: 3 9 35 Place of birth: Buffalo, New York
(DAY) (MONTH) (YEAR)

Marital status: Married Full name of spouse: T.M. Alexander, Sr.

Name and ages of children: None

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	State University College Buffalo, New York	1953-1957	B.S.	1957
	State University of New York, Buffalo, N.Y.	1968-1974	M.Ed.	1968
	State University of New York, Buffalo, N.Y.		Ph.D.	1974

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

1953	Delta Sigma Theta Scholarship
1968	Departmental Fellowship, State University of New York at Buffalo; Phi Delta Kappa - member - Honorary Educational Society
1979	"Educator of the Year" Award, Black Women Academicians
1977	"Outstanding Administrator" Award, Organization of Afro-American Students at the American University
1979	"Outstanding Recognition" Award, Student Government Association, University of the District of Columbia

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
<u>Delta Sigma Theta Sorority</u>		<u>1976-Present</u>
<u>National Association of Student Personnel</u>	<u>Regional Vice President</u>	<u>1975-1977</u>
<u>Administrators</u>	<u>Director, Association Personnel & Services</u>	<u>1972-1974</u>
<u>District of Columbia Chamber of Commerce</u>	<u>Board of Directors</u>	<u>1980-1981</u>
<u>Legal Aid Society of Washington, D.C.</u>	<u>Board of Directors</u>	<u>1975-1977</u>
<u>Washington Opportunities for Women</u>	<u>Board of Directors</u>	<u>1974-1976</u>
<u>National Institute for Public Management</u>	<u>Board of Directors</u>	<u>Elected, Declined to Serve</u>

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Teacher, Central School District #1, Lancaster, N.Y., 1957-1961

Teacher, Chicago Public Schools, Chicago, Illinois, 1961-1972

Research Assistant, State University of New York, Buffalo, New York,
1968-1969

Assistant to Vice President for Student Affairs, Buffalo, New York,
1969-1973

Interim Director, Cooperative College Center, State University of
New York, Buffalo, New York - 1972(six months)

Vice President for Student Affairs, The American University,
Washington, D.C. 1973-1977

Vice President for Student Affairs, University of the District of
Columbia, Washington, D.C. 1978-present

**Government
experience:**

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

Consultant, U.S. Department of Health, Education and Welfare

Member, Mayor's Blue Ribbon Advisory Committee on Reorganization
of Department of Human Resources, Washington, D.C.

Commissioner, District of Columbia Rental Accommodations
Commission

Reader, Proposals for Funding Title III Programs (Higher
Education Act of 1965), U.S. Department of Health,
Education and Welfare

**Published
writings:**

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

1. "The Increasing Demand for Equal Access to Professional Careers
for Minorities and Women" - speech given for and published by
Potomac and Chesapeake Chapter of the National Association of
College Admissions Counselors, June, 1974.

2. THE RELATIONSHIP OF CAREER ORIENTATION AND JOB SATISFACTION
AMONG BLACK ADMINISTRATORS. Ann Arbor, University Microfilms,
1974.

3. "A Federated Metropolitan Educational Plan," Education & Urban
Society, Vol. II, No. 4, August 1979, (H/M. Milstein). Also
in Metropolitan School Organization: A Conceptual Framework
and Proposed Models: Vol. II by McKelvey, Troy V., Berkeley,
California: McCutchan Pub. Corp., 1973.

4. "The Buffalo Public Schools: A Study of Administrative Or-
ganization" published as a part of final report of "Project 1990 -
The Future of Education on the Niagara Frontier," 1969.

**Political
affiliations
and activities:**

List all memberships and offices held in or financial contributions and services rendered to
all political parties or election committees during the last five years.

Council of 100

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

I have requested a leave of absence from my present employer.

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Pending the final terms of my requested leave of absence, I
anticipate returning to my former place of employment.

3. Has a commitment been made to you for employment after you leave Federal service?

No. A leave of absence has been requested; final terms and
conditions of leave have not been determined.

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts
of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

None

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

None

The CHAIRMAN. Our next nominee will be Rosemary M. Collyer, the Commissioner-designate for the Federal Mine Safety and Health Review Commission.

Ms. Collyer, we are very happy to have you with us today and look forward to taking your statement at this time.

STATEMENT OF ROSEMARY M. COLLYER, NOMINEE TO BE COMMISSIONER, FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Ms. COLLYER. Mr. Chairman, thank you for the honor and the opportunity to speak before you and this committee.

I have been nominated by the President to the Federal Mine Safety and Health Review Commission; and I look forward, with your consent, to participating in their decisions.

I have acted as counsel to coal and noncoal mine operators covered by the Federal Mine Safety and Health Act of 1977 since its passage, dealing directly with questions raised by inspections by the Mine Safety and Health Administration, accident and fatality investigations, safety violations, and health hazards. My experience includes underground, open pit, and mill and crusher operations.

My work under the Mine Act has been done while in private practice as a labor lawyer with the Denver firm of Sherman & Howard.

I received my law degree from the University of Denver College of Law, graduating eighth in a class of 118; and my undergraduate degree came from Trinity College, Washington, D.C., in 1968.

The Mine Act made a tremendous impact upon the mining community when it became effective in 1978. That impact was felt by mine operators and miners alike. The initial enforcement of the act was neither balanced nor always fair. In the last 3½ years however, all groups have learned of the overriding importance of the safety and health goals of that act and are now trying more successfully to work together toward these common goals.

In the midst of all the changes caused by the act, the Mine Safety Health and Review Commission has managed to effect procedures and policies that have treated all interested parties fairly.

There can be no question but that the safety and health of miners must be of paramount concern. The Review Commission has kept that concern uppermost and is to be congratulated for the creation of a neutral decisionmaker.

I think I can add to that decision process by bringing to it actual experience under the enforcement of the act and by bringing a knowledge of the mining workplace as well as a sincere desire to improve safety and health in our Nation's mines.

Thank you for this opportunity to present this statement. I stand ready to answer any questions that you might have.

The CHAIRMAN. I see that you have had a lot of experience in litigating cases under MSHA. How often have you appeared before the Review Commission?

Ms. COLLYER. Before the Commission itself?

The CHAIRMAN. Yes.

Ms. COLLYER. In oral argument, once.

The CHAIRMAN. Just once. You have had, as I understand it, extensive experience in advising clients in this particular field. Is that correct?

Ms. COLLYER. That is correct.

The CHAIRMAN. Based on your practice before the Commission, could you venture to suggest anything that might begin to improve the manner or efficiency by which the Commission itself adjudicates its cases?

Ms. COLLYER. Mr. Chairman, the Commission constitutes two separate forms of adjudication. The administrative law judges are part of the Review Commission, and then there is the five-member Commission itself. Is your question addressed to the second part?

The CHAIRMAN. The second part.

Ms. COLLYER. I am not completely familiar with all the intricacies of the decision process of the Review Commission, but I am relatively familiar with it and feel comfortable with it. I think that the Commission understands the need for prompt decisionmaking and has worked very hard to make those decisions prompt.

The problem may now be one of the necessary budget cuts. Other than that, some of the harder issues that had to be made at the beginning of this law have been made, and now it is a question of carrying them out and continuing what they mean.

It is difficult in the abstract to answer your question any better than that.

The CHAIRMAN. That is fine.

There has been some move here in Congress to transfer MSHA into OSHA, and one of our Senators has made the provocative statement that MSHA must really be bad for us to want to transfer it into OSHA. What is your feeling about that?

Ms. COLLYER. Well, if that is the criterion, then you ought to transfer OSHA to MSHA. [Laughter.]

The CHAIRMAN. Don't get us involved in that; it is bad enough as it is.

Ms. COLLYER. I think, Mr. Chairman, that MSHA has a very particularly difficult task ahead of it and requires a degree of expertise in order to examine, investigate, and inspect a mine that is not always required of an OSHA inspector. The combination of the two would not save anything because the same numbers of experienced miners would still be necessary for purposes of inspection.

On the Review Commission level, I very heartily think that the Mine Safety and Health Review Commission has proved much more efficient and better and quicker at its job than the OSHA Review Commission has had the opportunity to be.

The CHAIRMAN. Thank you, Ms. Collyer. We are delighted to have you receive this nomination, and we will look forward to supporting it as we push through this process.

Ms. COLLYER. Thank you so much.

[The prepared statement and biographical sketch of Ms. Collyer follow:]

STATEMENT OF ROSEMARY M. COLLYER
COMMISSIONER (DESIGNATE) FOR THE FEDERAL MINE SAFETY AND HEALTH
REVIEW COMMISSION
BEFORE THE
LABOR AND HUMAN RESOURCES COMMITTEE

October 14, 1981

Mr. Chairman, thank you for the honor and opportunity to speak before you and the Committee. I have been nominated by the President to the Federal Mine Safety & Health Review Commission, and I look forward, with your consent, to participating in the decisions of that body.

The Mine Safety & Health Review Commission rules on appeals from administrative law judge decisions under the Federal Mine Safety & Health Act of 1977. The five-member independent Commission hears appeals from the Secretary of Labor, miners or their representatives, and mine operators. It can also review decisions on its own motion.

I have acted as counsel to coal and non-coal mine operators covered by the 1977 Mine Act since its passage, dealing directly with questions raised on inspections by the Mine Safety & Health Administration, accident and fatality investigations, safety violations, and health hazards. My experience includes underground, open pit, and mill and crusher operations.

My work under the Mine Act has been done while in private practice as a labor lawyer with a Denver firm of Sherman & Howard.

My practice has included the full range of employment laws, but has concentrated on safety and health work, since the Mine Act was passed.

As a result of this work, I have addressed various groups on the Mine Act and the rights and obligations it presents. These have included the Annual Convention of the Northwest Mining Association in Spokane, Washington; the AMAX Loss Prevention Seminar in Indianapolis; The Rocky Mountain Chapter of the American Industrial Hygienists Association in Denver; and the Carbon County Wyoming Mine Operators' Association.

I received my law degree from the University of Denver College of Law, graduating eighth in a class of 119. My undergraduate degree in history came from Trinity College, Washington, D.C., cum laude, in 1968. I am presently 35 years old and am married with one child.

The Mine Act made a tremendous impact upon the mining community when it became effective in March of 1979. That impact was felt by mine operators and miners alike. The initial enforcement of the Mine Act was not always balanced or fair. In the last three-and-a-half years, however, all groups have learned to recognize the overriding importance of the safety and health goals of the Act; now MSHA, miners and mine operators are beginning to work together towards this common goal.

In the midst of all the changes caused by the New Act, the Mine Safety Health & Review Commission managed to effect procedures and policies that have treated all interested parties fairly. There can be no question but that the safety and health of miners must be a paramount concern. The Review Commission has kept that concern uppermost and is to be congratulated on the creation of a neutral decision-maker.

I think I can add to the decision process by bringing to it actual experience with the enforcement of the Act, and by bringing a knowledge of the mining workplace, as well as a sincere desire to improve safety and health in our nation's mines.

Thank you for the opportunity to present this statement. I will be pleased to respond to questions from the Committee.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: COLLYER ROSEMARY MAYERS
(LAST) (FIRST) (OTHER)
 Position to which Federal Mine Safety & Health Date of
 nominated: Review Commission nomination: _____
 Date of birth: 19 Nov. 1945 Place of birth: Port Chester, N.Y.
(DAY) (MONTH) (YEAR)
 Marital status: Married Full name of spouse: Philip Lee Collyer
 Name and ages of children: Timothy P. Collyer - 6

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	Univ. of Denver, College of Law	'74-'77	J.D.	6/77
	Trinity College, Washington, D.C.	'64-'68	B.A.	6/68
	Stamford High School (Stamford, Conn.)	'61-'64	Diploma	6/64

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Bar admissions: Colorado, Federal District Ct., 10th Cir.;

Order of St. Ives Honorary Scholastic Society (legal);

John Phillip Linn Labor Law Award; Law Journal member;

B.A. cum laude; awarded 4-year Univ. of Virginia/Ford

Foundation Grant for doctorate in history at U. Va;

Nominee for Woodrow Wilson Fellowship

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
Industrial Relations Research Assoc.	Member, Governing Committee '77-'79	1975-present
Denver Bar Assoc.		1977-present
Colorado Bar Assoc.		1977-present
American Bar Assoc.		1978-present
Colorado Republican Party Precinct Comm.		1980-present

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Labor atty; Sherman & Howard; Denver CO.; 7/77-present

Research Ass't; Univ. of Denver College of Law; Denver
CO; 9/75-9/76

Sales Representative; Eldy Sales Corp/Personnel Predictions
& Research Inc.; Denver CO; 9/73-9/74

Creative Director; Pennington & Richard Assoc.; Denver
CO; 9/72-9/73

Director of Public Relations, Manlius-Pebble Hill School;
Manlius, N.Y.; 4/71-8/72

Reporter; Canadian Register; Toronto, Ont. Canada;
9/69-12/70

Salesperson, Bloomingdale Bros.; Stamford Conn.; 6/69-8/69

Sales; Presto Inc.; Lawton OK; 3/69-6/69

Press Relations; U.S. Catholic Conference; Washington D.C.;
9/68-4/69

Collection; Pitney-Bowes Inc; Stamford Conn.; 7/68-9/68

**Government
experience:**

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

N/A

**Published
writings:**

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

"Preparing for Litigation - MSHA and OSHA": Nov. 1979

**Political
affiliations
and activities:**

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

Colorado Republican Party; Precinct Committeeperson:

Voluntary Special Counsel

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

No such plans at this time

3. Has a commitment been made to you for employment after you leave Federal service?

No

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

Yes

Potential conflicts
of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

Representation of the following mining companies will
require recusal for various periods of time on any of their
litigation which may come to the FMSHRC: Climax Molybdenum
Co.; Idarado Mining Co.; Foote Mineral Co.; Newmont Mining
Co.; Western Fuels Assoc.; Colorado Westmoreland Inc.;
AMAX Inc.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

None

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

Recusal from hearing or deciding litigation, as
necessary

The CHAIRMAN. Our last nominee for today will be Mr. Ford B. Ford, Assistant Secretary-designate for Mine Safety and Health of the Labor Department.

Mr. Ford, we are happy to have met you the other day, and we are happy to have you here with us. Please go ahead.

STATEMENT OF FORD B. FORD, NOMINEE TO BE ASSISTANT SECRETARY OF LABKR FOR MINE SAFETY AND HEALTH

Mr. FORD. Thank you, sir.

Distinguished Chairman, it is a distinct privilege to appear before you as the President's nominee for the position of Assistant Secretary of Labor for Mine Safety and Health. I was most honored to be nominated and assure you that I realize and appreciate the responsibility and challenge of this position.

President Reagan, Secretary Donovan, and I are committed to fostering a safe and healthful working environment for the Nation's mineworkers.

Past Federal involvement in this goal has assisted in the reduction of fatalities in mining activities. Aggressive safety programs and involvement of labor and management have also made a vital contribution to this desired end.

However, and disturbingly, nonfatal lost-time accidents continue upward. A new and revitalized cooperation by labor, management, and government must direct its energies toward isolating and attacking the root causes of this trend and reverse it.

As the agency so mandated by law, the Mine Safety and Health Administration has both the obligation and the opportunity to serve as a catalyst in facing this challenge.

Our charge is first, foremost, and finally to eliminate the conditions and practices in mining which contribute to illnesses, injuries, and fatalities. I assure you that activities and program innovations I may propose to undertake will be solely directed to that charge.

I appreciate the opportunity to appear before you today. I look forward to working with you on this important subject and will try to answer any questions you may have.

The CHAIRMAN. Thank you, Mr. Ford.

You are coming into MSHA at a time that it is coming under sharp criticism. As I mentioned to Ms. Collyer, some of these criticisms have either passed in legislative form or are in one of the other committees in the Senate or the House; and, I might add, there are a number of suggestions to amend MSHA.

I wonder whether you can share with us what the administration's reaction is to some of these various proposals.

Mr. FORD. We are in the position of now discussing some of the issues and wish to get to you and the Congress on these specific ones that were particularly brought out in your legislation and others that have been brought before. I look forward to sharing those thoughts with you as those decisions are made in the very near future.

The CHAIRMAN. OK. Where do you think legislative change is warranted in MSHA? Do you have any suggestions there?

Mr. FORD. Of course I am aware of some of the issues and problems that have been spoken to in the legislation—mandatory

penalties and a few matters that are mandated in the act—but I really have not had an opportunity at this point to develop them.

The CHAIRMAN. As you know, the President has proposed additional cuts across the board in all departments, including the Department of Labor. Can you share with us how MSHA is going to be able to accommodate these budgetary cut requests?

Mr. FORD. I have been sitting in on some preliminary discussions on the examination of the programs to find those areas that can be reduced without having a major impact on our primary goal of health and safety in the field. There are areas that MSHA feels can be reduced perhaps more than some of the other areas that require certain mandated inspections. We are confined to the act to a certain extent and must try to meet those obligations too.

As I said, our goal is health and safety and to put the programs together to deliver that end.

The CHAIRMAN. Do you think that the reductions can be accomplished without undermining the mission of the agency to promote health and safety in the Nation's mines?

Mr. FORD. Yes, sir. Given the management latitude necessary to manage the resources that we have, I am reasonably convinced that it will not diminish the effectiveness of the forces in the field.

The CHAIRMAN. Thank you, Mr. Ford. We appreciate having you here, and we appreciate being able to go through some of these questions with you.

Along with the other nominees today, we will see what we can do to move this along as quickly as we can. Thank you for being with us.

[The prepared statement and biographical sketch of Mr. Ford and additional questions and answers supplied for the record follow:]

CONFIRMATION HEARING
FOR
FORD B. FORD
ASSISTANT SECRETARY (DESIGNATE) FOR
MINE SAFETY AND HEALTH ADMINISTRATION
BEFORE THE
LABOR AND HUMAN RESOURCES COMMITTEE

October 14, 1981

Distinguished Chairman and Members of the Committee:

It is a distinct privilege to appear before you as the President's nominee for the position of Assistant Secretary-Mine Safety and Health Administration. I was most honored to be nominated, and assure you that I realize and appreciate the responsibility and challenge of this position.

President Reagan, Secretary Donovan and I are committed to fostering a safe and healthful working environment for the Nation's mine workers. Past federal involvement in this goal has assisted in the reduction of fatalities in mining activities. Aggressive safety programs and involvement of labor and management has also made a vital contribution to this desired trend. However, and disturbingly, non-fatal lost time accidents continue upward. A new and revitalized cooperation by labor, management and government must direct its energies toward isolating and attacking the root causes of this trend and reverse it. As the Agency so mandated by law, the Mine Safety and Health Administration has both the

obligation and the opportunity to serve as a catalyst in facing this challenge.

Mine Safety and Health Administration must target its available resources for a more closely coordinated inter-disciplinary approach, working closely with labor and management to achieve its safety and health goals. It is seeking ways, such as the Compliance Assistance Visit program to also help meet its challenge.

While enforcement of mining regulations is an important tool, it is by no means the only or even necessarily the over-riding tool. Safety awareness and knowledge of inherent dangers in mining and their avoidance can and must be uniformly achieved in all mining activities. This requires a commitment by labor and management to cooperate with each other to that end.

Mine Safety and Health Administration will provide its experience and assistance in achieving such effective cooperation.

Our charge is first, foremost and finally to eliminate the conditions and practices in mining which contribute to illnesses, injuries and fatalities. I assure you that activities and program innovations I may propose to undertake will be solely directed to that charge.

I am well aware of the controversies and experiences which have contributed to budgetary actions being considered by this Congress and which have served to prompt you, Mr. Chairman, and other members of Congress to propose modifications in the Mine Act. Both Secretary Donovan and I are confident that Mine Safety and Health Administration through both administrative actions and in cooperation on legislative actions can assist in meeting and solving many of the issues related to those problems so expressed.

As the Nation's needs and new directions encourage expanded production of its energy and mineral resources, Mine Safety and Health Administration's challenge is to provide for the health and safety of miners and avoid being an unnecessary impediment to that production. We feel these goals can be compatible.

Mr. Chairman, I can assure you of my dedication toward evolving a program which meets the President's economic goals and will continue this Administration's commitment to the accomplishment of safety and health protections for mine workers.

I appreciate the opportunity to appear before you. I look forward to working with you on this important subject and I will be happy to answer any questions you may have.

Thank you.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

PART I: ALL THE INFORMATION IN THIS PART WILL BE MADE PUBLIC

Name: FORD FORD BARNEY
(LAST) (FIRST) (MIDDLE)Position to which nominated: ASSISTANT SECRETARY OF LABOR FOR MSHA Date of nomination: JULY 7, 1981Date of birth: 19 NOVEMBER 1922 Place of birth: NORTON, VIRGINIA
(DAY) (MONTH) (YEAR)Marital status: MARRIED Full name of spouse: NORMA ISABEL (LENTZ) FORDName and ages of children: ROBERT BARNEY (35)
JACK THOMAS (33)

Education:	Institution	Dates attended	Degrees received	Dates of degrees
	<u>UNIVERSITY OF CALIFORNIA (BERKELEY)</u>	<u>9/46-6/48</u>	<u>B.S.</u>	<u>6/48</u>
	<u>ARMY SPECIALIZED TRAINING PROGRAM</u>	<u>PASADENA J.C.</u>	<u>CERTIFICATES OF COMPLETION - BASIC ENGI-</u>	
		<u>9/42-3/43</u>	<u>VEERING I & II</u>	<u>3/44</u>
	<u>VIRGINIA MILITARY INST.</u>	<u>9/42-4/43</u>	<u>-</u>	<u>-</u>
	<u>BLACKSTONE SCHOOL OF LAW - selected courses</u>			

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

STATE CADETSHIP TO VMICOMBAT INFANTRYMAN'S BADGEVARIOUS SERVICE RIBBONS - ETO - WWII

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations for the last five years and any other prior memberships or offices you consider relevant.

Organization	Office held (if any)	Dates
<u>FREE & ACCEPTED MASONS</u>		
<u>SCOTTISH RITE MASON</u>		
<u>BEN ALI SHRINE</u>		
<u>SONS OF THE AMERICAN REVOLUTION - GENERALIST</u>		<u>1975(?)</u>
<u>(PAST) ROTARY CLUB</u>	<u>VICE-PRESIDENT</u>	<u>1967</u>
<u>(PAST) V. F. W. (BISHOP CA)</u>	<u>COMMANDER</u>	<u>1948-1950</u>
<u>AMERICAN INSTITUTE OF INDUSTRIAL ENGINEERS</u>	<u>VICE-PRESIDENT</u>	<u>1966 (?)</u>
<u>(PAST) SACRAMENTO ENGINEERS CLUB</u>		

Employment record: List below all positions held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

SALES MANAGER, COCA-COLA BOTTLING Co., BISHOP CA. 4/48-8/50
MNTAGE CARPENTER, CITY OF LA, BISHOP, CA. - 8/50-11/50(1)
CERTIFIED CONSTRUCTION INSPECTOR, CITY OF LA, BISHOP, CA.
11/50-8/51 (1/51-8/51-SECURITY OFFICER W/SAME)
ACTIVE POSTMASTER, U.S. POST OFFICE, BISHOP, CA 8/51-8/54
POST OFFICE CLERK, U.S. POSTAL INSPECTION DIV, RIVERSIDE, CA 8/54-3/53
FULL-TIME REPRESENTATIVE, DEARBORN STOVE Co., L.A., CA. 3/55-8/59
ADMINISTRATIVE ANALYST FOR THE CALIFORNIA JOINT LEGISLATIVE BUDGET COMMITTEE, SACRAMENTO, CA 8/59-9/59
EXECUTIVE DIRECTOR AND CHIEF CONSULTANT TO THE CALIFORNIA SENATE FACT FINDING COM ON NATURAL RESOURCES ASSISTANT SECRETARY THEN SACRAMENTO, CA 9/59-2/67
DEPUTY SECRETARY, THE CALIFORNIA RESOURCES AGENCY CHAIRMAN (11/73-1/75) and the PUBLIC MEMBER OF THE CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD SACRAMENTO, CA 11-73/4-79
FORD D. FORD & ASSOCIATES, OSHA CONSULTING, SACRAMENTO-4/79-10/79
VICE PRESIDENT, THE CALIFORNIA INSTITUTE FOR INDUSTRIAL AND GOVERNMENTAL RELATIONS (CIIA & GOVERNMENT COORDINATOR) SACRAMENTO-10/79-Present
PRESIDENT, OILQUIP MARKETING CORP., SACRAMENTO 1/81-Present
(markets OILFIELD OIL EXTRACTION PUMPS)

Government
experience:

List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments other than those listed above.

STATE REPRESENTATIVE ON THE STATE ADVISORY
BOARD TO THE BUREAU OF LAND MANAGEMENT (CA)
MEMBER OF ADVISORY BOARD TO THE PACIFIC MARINE
FISHERIES COMMISSION

Published
writings:

List the titles, publishers and dates of books, articles, reports or other published materials you have written.

NUMEROUS PUBLISHED REPORTS FOR LEGISLATIVE BUDGET
COMMITTEE AND SENATE FACT FINDING COMMITTEE ON
NATURAL RESOURCES BUT NOT ISSUED UNDER MY NAME
AS AUTHOR. REPORTS OF THOSE COMMITTEES.

NO PERSONAL PUBLICATIONS.

"OSHA Advisor", publication of the California Inst.
For Int'l Governmental Relations, included monthly
Cal-OSHA workshop article, beginning January, 1979.

Political
affiliations
and activities:

List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last five years.

SINCE 1967 I HAVE MADE SEVERAL CONTRIBUTIONS
IN THE \$25 TO \$100 RANGE TO RONALD REAGAN GOVERNATORIAL
COMMITTEE; NAT'L REPUBLICAN COMMITTEE; CALIFORNIA
REPUBLICAN COMMITTEE; RONALD REAGAN FOR PRESIDENT COMM
AND RONALD REAGAN DELEGATION. WAS ELECTED TO THE
INYO COUNTY, CA. DEMOCRATIC CENTRAL COMM (1951) (GIVEN)

Future employment
relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes, if deemed to be necessary - I HAVE
DETERMINED TO RESIGN FROM THE CALIFORNIA
INSTITUTE FOR INDUSTRIAL + GOVERNMENTAL RELATIONS

2. State whether you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization.

Oilguin Marketing Corp. if allowable

3. Has a commitment been made to you for employment after you leave Federal service?

No, other than resumption of association in #2 above

4. Do you intend to serve the full term for which you have been appointed or until the next Presidential election, whichever is applicable?

YES

Potential conflicts
of interest:

1. Describe any financial arrangements, deferred compensation agreements or other continuing financial, business or professional dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

NONE

2. List any investments, obligations, liabilities, or other financial relationships which constitute potential conflicts of interest with the position to which you have been nominated.

NONE to my knowledge - minor stock holdings
in LEXICON RESOURCES, an oil drilling and
production company.

3. Describe any business relationship, dealing or financial transaction which you have had during the last five years whether for yourself, on behalf of a client, or acting as an agent, that constitutes a potential conflict of interest with the position to which you have been nominated.

NONE IN MY ESTIMATION

I PROVIDED MINOR CONSULTING SERVICES

TO: 1) TROY GOLD ENTERPRISES ASSISTING THEM

ATTORNEY ON AN APPEALS PROCEDURE

2) CONTINENTAL MINERALS (DEATH VALLEY)

RESEARCH ON CAL/OSHA VS. MSHA REGS.

PROVIDING A LIST OF HEALTH LABORATORIES.

4. List any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any Federal legislation or of affecting the administration and execution of Federal law or policy.

NONE

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items.

TOTAL DISSOCIATION IF ADVISED TO DO SO IN #2 ABOVE

GEORGE S. BAYNE, UTAH, CHAIRMAN
 ROBERT T. STAPFORD, VT.
 SUE GUYTON, IND.
 PAULA HARRISON, FLA.
 DON WHEELER, NOLA.
 LOVELL P. WICKEN, JR., CONN.
 GEORGE A. HANFORD, N.J.
 GEORGE BRITTON, ALA.
 JOHN P. SNEY, N.C.
 EDWARD H. KENNEDY, MASS.
 JENNIFER RANGELUM, W. VA.
 HANFORD A. WILLIAMS, JR., N.Y.
 CLAUDE W. PELL, N.J.
 THOMAS P. CARLTON, MD.
 DONALD W. RUSSELL, JR., MICH.
 HAROLD M. RUTENFRAN, OHIO
 GEORGE W. PUTTE, JR., CHIEF COUNSEL
 BOBIE M. PUTTE, STAFF DIRECTOR AND CHIEF COUNSEL
 LAWRENCE C. HENNING, M.D., SENATE STAFF DIRECTOR

United States Senate

COMMITTEE ON LABOR AND
 HUMAN RESOURCES
 WASHINGTON, D.C. 20510

October 19, 1981

Mr. Ford B. Ford
 Nominee to be Assistant Secretary
 Mine Safety and Health Administration
 United States Department of Labor
 Washington, D.C. 20210

Dear Mr. Ford:

Pursuant to the hearing held on October 14, 1981, by the United States Senate Committee on Labor and Human Resources on your nomination to be Assistant Secretary of Labor for the Mine Safety and Health Administration, I would respectfully request your response in writing to the following questions:

- (1) Recently, we have heard proposals that would establish systems of safety and health enforcement that would allow both OSHA and MSHA to enforce standards at the same mine site. How do you react to proposals for such dual jurisdiction?
- (2) It is my understanding that under current law, dust standards are set at two milligrams of respirable dust per cubic meter for coal. However, it is also my understanding that at this level Department of Labor evidence suggests that approximately 15 percent of miners show evidence of black lung. Do you believe that this is an acceptably high incidence level of black lung? Would you be willing to consider lowering the respirable dust level to one milligram per cubic meter?
- (3) Recently there has been great concern, including allegations of fraud and abuse, of current procedures for dust sampling relying on operators sampling. Do you believe that the situation could be helped if miners, whether union or non-union, were more involved in the process of dust sampling?
- (4) In the period of 1942 to 1952, with no mandatory underground inspections, there were on the average, nearly 1,000 coal miner fatalities per year (998). In the period of 1953 to 1969, with three inspections per year, there were on the average of 324 fatalities of underground coal miners. In the period of 1970 to 1980, under the Coal Mine Health and Safety Act with four mandatory inspections per year, there were an average of 153 fatalities annually. Do you believe that the current inspection program has been successful in reducing mine fatalities? If the underground inspection rate were decreased from 4 to 2 per year, what do you believe would be the effect on the miner fatality rate?
- (5) Recently, the Senate Appropriations Subcommittee on Labor, HHS, Education and Related Agencies attached an amendment to their appropriations bill which would transfer jurisdiction for surface stone, sand and gravel mines out of the Mine Safety and Health Administration, and significantly reduce funding for the agency. What are your feelings on this action?

(6) What is the status of the self-contained self-rescuer, according to your opinion, and what is your opinion on this issue?

(7) It is my understanding that certain additional budget cuts from MSHA are currently being contemplated by the Department of Labor for FY 1982. Can you bring us up to date on this issue? How will these cuts be implemented at MSHA?

(8) According to statistics published by the Department of Labor (see attached chart from the Mine Injuries and Work Time Quarterly, January-June 1981, page 3), there have been increases in the number of fatal accidents in coal mines in the second quarter of 1981 and in metallic mines for both the first and second quarters of the year. The increases are rather substantial. How would you account for this distressing development? How can MSHA promptly act to remedy the situation?

Thank you for your assistance in providing answers to the above questions. I look forward to receiving your response as soon as possible.

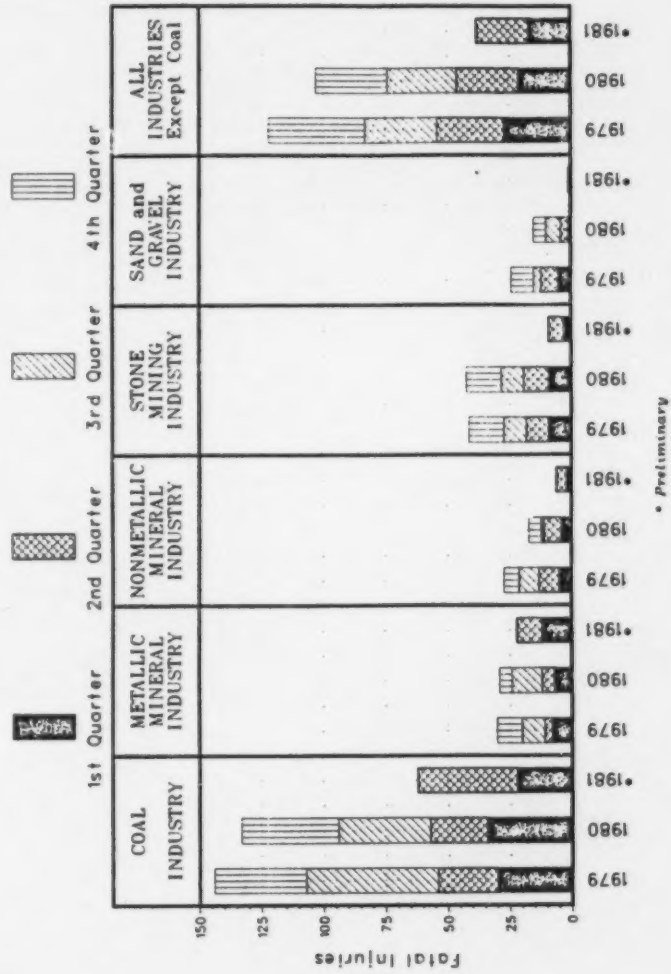
With best wishes,

Sincerely,

Harrison A. Williams, Jr.

HAW:glw

Chart 1.
Number of *FATAL INJURIES* in the U.S. Mining Industries
in each quarter of 1979, 1980 and 1981



SENATE G. RAYTON, UTAH, CONGRESS
 ROBERT T. STUDD, OHIO, VT.
 GARY JOYCE, MD.
 PHILIP HARRINGTON, FLA.
 DON MCCLELL, WYOM.
 LOWELL P. WICKERMAN, ILL. COMM.
 DONALD J. HENNINGER, N.J.
 JAMES H. HARTMAN, N.J.
 JOHN P. SMY, N.C.

ROBERT W. PUTTS, JR., CHIEF COUNSEL
 JOHN M. FOSTER, STAFF DIRECTOR AND GENERAL COUNSEL
 LAWRENCE G. SHANNON, N.J., SENATE STAFF DIRECTOR

EDWARD W. ROBERT, MAINE
 JENNIFER SANDOLPH, W. VA.
 MARSHALL A. WILLIAMS, JR., N.J.
 CLARENCE PELL, R.I.
 THOMAS F. SAGLETON, MD.
 DONALD W. RIGGLE, JR., MICH.
 DONALD R. KETTERING, OHIO

United States Senate

COMMITTEE ON LABOR AND
 HUMAN RESOURCES
 WASHINGTON, D.C. 20510

October 19, 1981

Mrs. Rosemary M. Collyer
 Nominee to be a Member
 Mine Safety and Health Review Commission
 United States Department of Labor
 Washington, D.C. 20210

Dear Mrs. Collyer:

Pursuant to the hearing held on October 14, 1981, by the Labor and Human Resources Committee on your nomination to be a Member of the Mine Safety and Health Review Commission, I would respectfully request your response in writing to the following questions:

(1) Do you believe that the miner who is protected by the Mine Safety and Health Act has a proper role to play in the enforcement of the Act? If so, would you please describe that role?

(2) What do you believe is the proper role of the Federal Mine Safety and Health Review Commission in independently interpreting rules and regulations promulgated under the Act? What weight do you believe should be accorded the position of the Secretary of Labor in cases brought before the Commission? Do you believe that other parties with an interest in enforcement of the Act should be entitled to be heard before the Commission?

(3) The Federal Mine Safety and Health Amendments Act of 1977 provides that the President shall appoint members of the Federal Mine Safety and Health Review Commission "from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act." (Sec. 113) Please describe how your background meets these statutory criteria?

(4) Recent budget directives from the Administration to the Mine Safety and Health Review Commission order a \$535,000 reduction for FY 1982 and a \$530,000 reduction for FY 1983. Personnel reductions, from the 1981 level of 82, down to a 1982 level of 76, and a 1983 level of 70 are also set forth in this directive. What sacrifices will MSHRC have to make in its functional capacity with funding at these new lower levels?

(5) It has been suggested that one effect of the proposed cutbacks in the MSHRC budget will be the closing of the Denver MSHRC Office. Do you favor this development? What effect do you believe it will have on efficient adjudication of cases in view of the increase in Western coal production and the large metal/non-metal production in Western States?

(6) Another anticipated effect of the proposed MSHRC budget cutbacks will be the curtailment of travel by Administrative Law Judges who thus far have been able to travel to the mine site. Small operators and miners may no longer be able to receive their "day in court" if they have to bear the expense of travel to Washington, D.C., where all future hearings would be consolidated. What is your opinion on such a proposal to save MSHRC funds?

(7) It has been reported that in recent months, there has been a 50 percent drop in the number of cases being brought to MSHRC Administrative Law Judges and an overall decline in the pending case load, particularly in the area of penalty appeals. How would you account for this trend? Do you believe it bodes well or ill for effective enforcement and adjudication under the Mine Safety and Health Act?

Thank you for your assistance in providing answers to the above questions.
I look forward to receiving your response as soon as possible.

With best wishes,

Sincerely,

Harrison A. Williams, Jr.

HAW:glw

U. S. Department of Labor

Mine Safety and Health Administration
4015 Wilson Boulevard
Arlington, Virginia 22203



OCT 20 1981

Honorable Orrin G. Hatch
Chairman, Committee on Labor
and Human Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Hatch:

Senator Williams submitted to me eight additional questions. I have enclosed, for your review and insertion in the record, my responses to those questions. I appreciated the opportunity to testify before you and look forward to working with your Committee on this important matter of mine workers' safety and health.

Sincerely,

Ford B. Ford
Assistant Secretary Designate
for Mine Safety and Health

Enclosure

#1 Question: Recently, we have heard proposals that would establish systems of safety and health enforcement that would allow both OSHA and MSHA to enforce standards at the same mine site. How do you react to proposals for such dual jurisdiction?

Answer: Certain bills have been introduced in both Houses of Congress, which would, in effect, transfer certain construction activities from MSHA's jurisdiction to OSHA. Currently, all legislative proposals affecting MSHA are under careful consideration and review. Therefore, it would be inappropriate for me to comment specifically on this proposal. However, I would like to point out that should such a proposal become law, it would appear that a clear delineation of responsibilities would be necessary. If the law contained such a delineation, then actual implementation would be facilitated. Specific details of any transfer could then be resolved by a Memorandum of Understanding between MSHA and OSHA.

- #2 Question: It is my understanding that under current law, dust standards are set at two milligrams of respirable dust per cubic meter for coal. However, it is also my understanding that at this level Department of Labor evidence suggests that approximately 15 percent of miners show evidence of black lung. Do you believe that this is an acceptably high incidence level of black lung? Would you be willing to consider lowering the respirable dust level to one milligram per cubic meter?

Answer: Yes, the current dust standard in the coal mining industry is 2.0 milligrams per cubic meter of air. There is no United States data which would suggest that this standard is not adequate to protect the health of this nation's coal miners. According to the Department of Health and Human Services latest report (through September 30, 1981), of the total coal miners examined under Section 203(a) of the Federal Mine Act since 1969, only 4.8 percent had pneumoconiosis. It should be noted that some or most miners in this 4.8 percent may have developed the disease prior to 1969. Further, data documented from the British coal mining industry shows there is less than a 1 percent probability of developing category 2 or more simple pneumoconiosis over an approximate 35-year working-life at the goalface when the level of respirable coal mine dust is 2.0 mg/m³.

A high incidence of pneumoconiosis is not acceptable in this nation's coal industry. However, we believe that the current dust standard is protecting miners in the coal industry and should be lowered to 1.0 mg/m³ only if sufficient evidence is developed to support this reduction. It is my understanding that NIOSH has been collecting such data in the National Coal Study and that upon completion, will make recommendations to MSHA regarding the adequacy of the present standard.

43 Question: Recently, there has been great concern, including allegations of fraud and abuse, of current procedures for dust sampling relying on operator's sampling. Do you believe that the situation could be helped if miners, whether union or non-union, were more involved in the process of dust sampling?

Answer: Inasmuch as the respirable dust sampling program was designed and established to protect the health of miners, I certainly understand the miners' desire to be involved in the program. The key to effective involvement may not, however, necessarily require direct participation by miners in the administration of all aspects of the program. Instead, I think a clear understanding on the part of the miners of how the program works is the first step. Miner education and training on the operational aspects of the program are essential to achieve this understanding. Further, since sampling procedures have been greatly simplified and improved, the task of educating the miners in the sampling system would not be that difficult.

During the past years there have been allegations of fraud and abuse of procedures for dust sampling relying on operator's sampling. Where we have found evidence of this, prompt action has been taken, resulting in several indictments and convictions of coal mine operators. We intend to continue to take prompt action where this occurs in the future. During the last year improved dust sampling regulations have been implemented which we believe will significantly improve the quality of mine operator dust sampling.

- #4 Question: In the period of 1942 to 1952, with no mandatory underground inspections, there were on the average, nearly 1,000 coal miner fatalities per year (998). In the period of 1953 to 1969, with three inspections per year, there were on the average of 324 fatalities of underground coal miners. In the period of 1970 to 1980, under the Coal Mine Health and Safety Act with four mandatory inspections per year, there were an average of 153 fatalities annually. Do you believe that the current inspection program has been successful in reducing mine fatalities? If the underground inspection rate were decreased from 4 to 2 per year, what do you believe would be the effect on the miner fatality rate?

Answer: I believe that the reductions in mine fatalities over the past decades have come about because of several factors. Certainly, the involvement of the Federal sector has played a significant role in reducing mine fatalities. Also, aggressive safety programs and the involvement of both labor and management have made a vital contribution to this desired trend.

It is my belief that MSHA can target its available resources for a more closely coordinated interdisciplinary approach. This approach would require that we work more closely with labor and management to achieve our mutual safety and health goals.

It is very difficult to predict the impact on the miner fatality rate if the number of underground mandatory inspections were reduced from 4 to 2. However, it should be realized that the mandatory annual inspection program is only one tool we have available to achieve our goals. For example, MSHA also inspects especially hazardous or gassy mines on a more frequent basis. Also, in the metal area, MSHA utilizes the Program in Accident Reduction (PAR) to aid operators with unusually high accident rates to reduce their rates. Therefore, I think that by targeting our resources and with a firm commitment by management and labor, we can continue a downward trend in miner fatalities.

- #5 Question: Recently, the Senate Appropriations Subcommittee on Labor, HHS, Education and Related Agencies attached an amendment to their appropriations bill which would transfer jurisdiction for surface stone, sand and gravel mines out of the Mine Safety and Health Administration, and significantly reduce funding for the agency. What are your feelings on this action?

Answer: The Administration is concerned about the precedent which would be set by formulating mine safety and health legislation through the appropriations process. Particularly since there are legislative proposals currently before Congress to substantively amend the Mine Act. We are closely monitoring these activities. This Administration will continue to have as its paramount concern the protection of the safety and health of the Nation's miners. We also believe that any changes to the Mine Act should address the concerns expressed by the entire mining community.

- #6 Question: What is the status of the self-contained self-rescuer, according to your opinion, and what is your opinion on this issue?

Answer: The regulations requiring self-contained self-rescuers became effective on June 21, 1981, at all underground coal mines. There were only a limited number of these devices available for purchase on that date; however, five manufacturers had received NIOSH/MSHA approval for the production of their units. Currently, four of the manufacturers are either producing or in the process of establishing production of these units. Reportedly, one manufacturer will not go into production. The operators of all underground coal mines have submitted purchase orders for the self-contained self-rescuers.

The filter-type self-rescuers have been used in underground coal mines for many years, but their limited capabilities have always been recognized by the industry. The results of two surveys of various mine fires and explosions have indicated that numerous miners could have possibly been saved if they had been equipped with Self-contained self-rescuers. Providing adequate breathing devices to improve the likelihood that miners will survive underground explosions and fires is one of the most pressing safety needs facing the underground coal mining industry.

Although the self-contained self-rescuers now available are neither the perfect nor the final solution to the problem, all studies indicate that they represent a substantial improvement over the filter-type self-rescuers. Such a development with its significant lifesaving potential must be hailed despite its shortcomings. The Mine Safety and Health Administration recognized that the size and weight of the new devices may create problems for some miners as they perform their duties. For this reason, the regulations permit the self-contained self-rescuers to be made available for the miners in one of the following ways: worn or carried, kept within 25 feet of the miner, placed on mining equipment in a readily accessible location, or the mine operator may apply to the District Manager for permission to place the SCSRs more than 25 feet from the miner. We believe that compliance with the regulations can be accomplished in all mines by use of one of the options listed in the regulations.

Please be assured that MSHA will continue to support research efforts and technology in this important area.

#7 Question: It is my understanding that certain additional budget cuts from MSHA are currently being contemplated by the Department of Labor for FY 1982. Can you bring us up to date on this issue?

Answer: I assume that the additional budget reductions for FY 1982 to which you refer are those associated with the President's September 30 request for a 12 percent across the board reduction for more domestic programs.

MSHA's revised budget request for FY 1982 would be \$138,630,000 and 2,971 positions. Although this funding level represents a savings of \$18,904,000 and 500 positions from the March budget, it still provides adequate resources to continue improving the safety and health of this Nation's miners by targeting identified problem areas and encouraging labor and management to even greater cooperative health and safety efforts.

Management efficiencies totalling \$6.2 million have been targeted through greater controls on travel, a reevaluation of equipment needs and the conduct of safety and health activities in a more economical manner. In addition, we have notified the representative employee unions that demotions-or employment losses totalling 700 may be necessary. However, we are also considering other management prerogatives such as a shortened workweek and employee furloughs to lessen the magnitude of employee reductions.

#8 Question: According to statistics published by the Department of Labor (see attached chart from the Mine Injuries and Work Time Quarterly, January-June 1981, page 3), there have been increases in the number of fatal accidents in coal mines in the second quarter of 1981 and in metallic mines for both the first and second quarters of the year. The increases are rather substantial. How would you account for this distressing development? How can MSHA promptly act to remedy the situation?

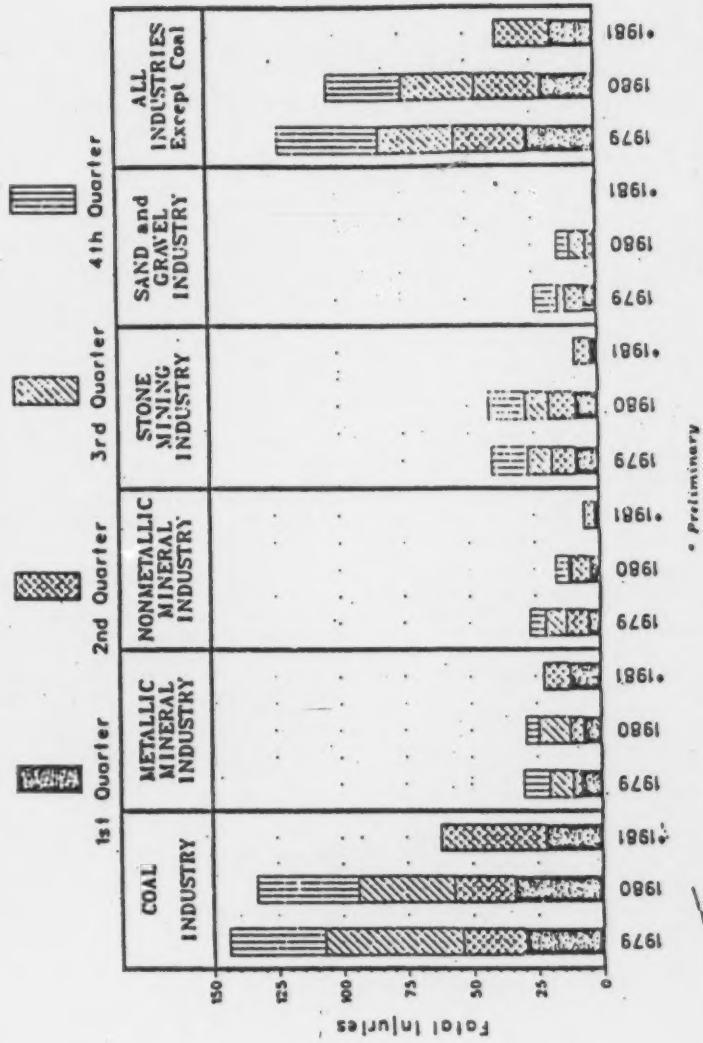
Answer: In the coal industry, there were 24 fatalities in the second quarter of 1980 compared with 40 fatalities in the second quarter of 1981. However, it should be noted that during the second quarter of 1981, a mine explosion occurred which resulted in the death of 15 miners.

In the metallic mineral industry there were 7 fatalities in the first quarter of 1980 compared with 12 in the first quarter of 1981 and 5 fatalities in the second quarter of 1980 compared with 10 in the second quarter of 1981, or a total of 12 for the 2 quarters of 1980 compared with 22 in the 1981 period. The greatest increase in fatalities was in underground metallic mineral mining, from 6 to 15. Therefore, we analyzed those accidents and found that 7 accident causes accounted for the 15 fatalities, and they occurred in most of the leading metallic minerals (lead, zinc, silver, copper, uranium, and gold) and in many States (Idaho, Arizona, New Mexico, Montana, Nevada, California and Washington). Please be assured that we are continuing our efforts to determine the causes for fatalities and work with our managers, inspectors, and the mining industry to prevent future fatalities.

I think it is important to note that it is difficult to analyze and draw any meaningful conclusions about one or two quarters of data. MSHA, of course, is aware of the fatalities which occurred during the first and second quarters of this year and will continue to analyze this data in conjunction with the third and fourth quarter data as it becomes available. Should any trends become evident, we will take the appropriate remedial action. However, I would like to point out that as of October 19, 1981, our preliminary statistics show that mine fatalities are lower than those of last year. In coal there have been 95 fatalities through October 19 (as compared with 102 in 1980) and in metal/nonmetal there have been 66 as compared to 84 in 1980.

As an example, in 1979, MSHA noted that there was an unusually high increase in the number of deaths related to roof falls in coal mines. Therefore, in FY 1980, a special emphasis program was initiated to reduce the number of these deaths. This program provided for a concentrated effort in enforcing compliance with roof control plans and in alerting both mine officials and miners to the roof fall hazards in every working section of underground coal mines. A quarterly training program for all inspectors in roof control hazards and related enforcement procedures was implemented. The result of this program was that in calendar year 1980, roof fall fatalities were brought back into the downward trend as experienced in recent years prior to 1979.

Chart 1.
Number of **FATAL INJURIES** in the U.S. Mining Industries
in each quarter of 1979, 1980 and 1981



U. S. Department of Labor

Mine Safety and Health Administration
4015 Wilson Boulevard
Arlington, Virginia 22203



OCT 19 1981

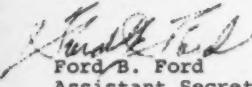
Honorable Harrison A. Williams, Jr.
Member, Committee on Labor and
Human Resources
United States Senate
Washington, D.C. 20510

Dear Senator Williams:

This is in response to your letter of October 19, 1981, concerning my recent confirmation hearings before the Committee on Labor and Human Resources.

Thank you for affording me of this opportunity to respond to your questions in writing. For your convenience, I have responded to each question separately. I sincerely hope all the issues have been completely addressed to your satisfaction. I am looking forward to working with the Committee in the future regarding mine safety and health matters.

Sincerely,


Ford B. Ford
Assistant Secretary Designate
for Mine Safety and Health

Enclosure

#1 Question: Recently, we have heard proposals that would establish systems of safety and health enforcement that would allow both OSHA and MSHA to enforce standards at the same mine site. How do you react to proposals for such dual jurisdiction?

Answer: Certain bills have been introduced in both Houses of Congress, which would, in effect, transfer certain construction activities from MSHA's jurisdiction to OSHA. Currently, all legislative proposals affecting MSHA are under careful consideration and review. Therefore, it would be inappropriate for me to comment specifically on this proposal. However, I would like to point out that should such a proposal become law, it would appear that a clear delineation of responsibilities would be necessary. If the law contained such a delineation, then actual implementation would be facilitated. Specific details of any transfer could then be resolved by a Memorandum of Understanding between MSHA and OSHA.

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Answers: Yes, the current dust standard in the coal mining industry is 2.0 milligrams per cubic meter of air. There is no United States data which would suggest that this standard is not adequate to protect the health of this nation's coal miners. According to the Department of Health and Human Services latest report (through September 30, 1981), of the total coal miners examined under Section 203(a) of the Federal Mine Act since 1969, only 4.8 percent had pneumoconiosis. It should be noted that some or most miners in this 4.8 percent may have developed the disease prior to 1969. Further, data documented from the British coal mining industry shows there is less than a 1 percent probability of developing category 2 or more simple pneumoconiosis over an approximate 35-year working-life at the goalface when the level of respirable coal mine dust is 2.0 mg/m³.

A high incidence of pneumoconiosis is not acceptable in this nation's coal industry. However, we believe that the current dust standard is protecting miners in the coal industry and should be lowered to 1.0 mg/m³ only if sufficient evidence is developed to support this reduction. It is my understanding that NIOSH has been collecting such data in the National Coal Study and that upon completion, will make recommendations to MSHA regarding the adequacy of the present standard.

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Answer: I believe that the reductions in mine fatalities over the past decades have come about because of several factors. Certainly, the involvement of the Federal sector has played a significant role in reducing mine fatalities. Also, aggressive safety programs and the involvement of both labor and management have made a vital contribution to this desired trend.

It is my belief that MSHA can target its available resources for a more closely coordinated interdisciplinary approach. This approach would require that we work more closely with labor and management to achieve our mutual safety and health goals.

It is very difficult to predict the impact on the miner fatality rate if the number of underground mandatory inspections were reduced from 4 to 2. However, it should be realized that the mandatory annual inspection program is only one tool we have available to achieve our goals. For example, MSHA also inspects especially hazardous or gassy mines on a more frequent basis. Also, in the metal area, MSHA utilizes the Program in Accident Reduction (PAR) to aid operators with unusually high accident rates to reduce their rates. Therefore, I think that by targeting our resources and with a firm commitment by management and labor, we can continue a downward trend in miner fatalities.

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Please be assured that MSHA will continue to support research efforts and technology in this important area.

#7 Question: It is my understanding that certain additional budget cuts from MSHA are currently being contemplated by the Department of Labor for FY 1982. Can you bring us up to date on this issue?

Answer: I assume that the additional budget reductions for FY 1982 to which you refer are those associated with the President's September 30 request for a 12 percent across the board reduction for more domestic programs.

MSHA's revised budget request for FY 1982 would be \$138,630,000 and 2,971 positions. Although this funding level represents a savings of \$18,904,000 and 500 positions from the March budget, it still provides adequate resources to continue improving the safety and health of this Nation's miners by targeting identified problem areas and encouraging labor and management to even greater cooperative health and safety efforts.

Management efficiencies totalling \$6.2 million have been targeted through greater controls on travel, a reevaluation of equipment needs and the conduct of safety and health activities in a more economical manner. In addition, we have notified the representative employee unions that demotions or employment losses totalling 700 may be necessary. However, we are also considering other management prerogatives such as a shortened workweek and employee furloughs to lessen the magnitude of employee reductions.

- 48 Question: According to statistics published by the Department of Labor (see attached chart from the Mine Injuries and Work Time Quarterly, January-June 1981, page 3), there have been increases in the number of fatal accidents in coal mines in the second quarter of 1981 and in metallic mines for both the first and second quarters of the year. The increases are rather substantial. How would you account for this distressing development? How can MSHA promptly act to remedy the situation?

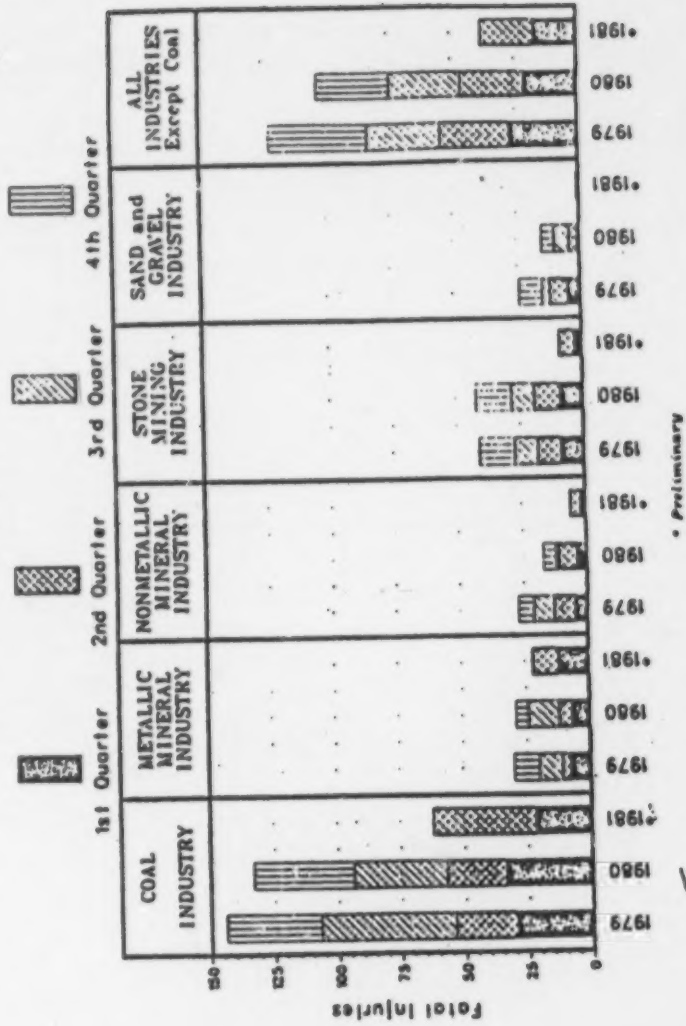
Answer: In the coal industry, there were 24 fatalities in the second quarter of 1980 compared with 40 fatalities in the second quarter of 1981. However, it should be noted that during the second quarter of 1981, a mine explosion occurred which resulted in the death of 15 miners.

In the metallic mineral industry there were 7 fatalities in the first quarter of 1980 compared with 12 in the first quarter of 1981 and 5 fatalities in the second quarter of 1980 compared with 10 in the second quarter of 1981, or a total of 12 for the 2 quarters of 1980 compared with 22 in the 1981 period. The greatest increase in fatalities was in underground metallic mineral mining, from 6 to 15. Therefore, we analyzed those accidents and found that 7 accident causes accounted for the 15 fatalities, and they occurred in most of the leading metallic minerals (lead, zinc, silver, copper, uranium, and gold) and in many States (Idaho, Arizona, New Mexico, Montana, Nevada, California and Washington). Please be assured that we are continuing our efforts to determine the causes for fatalities and work with our managers, inspectors, and the mining industry to prevent future fatalities.

I think it is important to note that it is difficult to analyze and draw any meaningful conclusions about one or two quarters of data. MSHA, of course, is aware of the fatalities which occurred during the first and second quarters of this year and will continue to analyze this data in conjunction with the third and fourth quarter data as it becomes available. Should any trends become evident, we will take the appropriate remedial action. However, I would like to point out that as of October 19, 1981, our preliminary statistics show that mine fatalities are lower than those of last year. In coal there have been 95 fatalities through October 19 (as compared with 102 in 1980) and in metal/nonmetal there have been 66 as compared to 84 in 1980.

As an example, in 1979, MSHA noted that there was an unusually high increase in the number of deaths related to roof falls in coal mines. Therefore, in FY 1980, a special emphasis program was initiated to reduce the number of these deaths. This program provided for a concentrated effort in enforcing compliance with roof control plans and in alerting both mine officials and miners to the roof fall hazards in every working section of underground coal mines. A quarterly training program for all inspectors in roof control hazards and related enforcement procedures was implemented. The result of this program was that in calendar year 1980, roof fall fatalities were brought back into the downward trend as experienced in recent years prior to 1979.

Chart 1.
Number of *FATAL INJURIES* in the U.S. Mining Industries
in each quarter of 1979, 1980 and 1981



Sherman & Howard

(DAWSON, VAGE, SHERMAN & HOWARD)

ATTORNEYS AND COUNSELORS AT LAW

2900 FIRST OF DENVER PLAZA
633 SEVENTH STREET
DENVER, COLORADO 80202

TELEPHONE: 303 893-2900
TELECOM: 303 893-2940
TELEX: 454366

October 20, 1981

Senator Harrison A. Williams, Jr.
United States Senate
Committee on Labor and
Human Resources
Washington, D.C.

Dear Senator Williams:

This letter is in response to your written questions of October 19, 1981, concerning my pending nomination to the Federal Mine Safety and Health Review Commission. I shall answer in the order in which you posed your questions.

(1) The Federal Mine Safety and Health Act of 1977 makes it very clear that miners are to play a significant role in the enforcement of the Act. Miners can contribute to safety and health through four avenues: adopting safe work practices; raising safety issues with their employers for correction; working with inspectors of the Mine Safety and Health Administration (MSHA) to identify hazards and to explain mine operations; and participating in litigation on safety or health subjects, as deemed appropriate by the miners. The interest of miners or their representatives in participating in litigation will naturally vary considerably depending on the issues involved. Those wishing to participate should be encouraged to do so, as early in the process as possible.

(2) Congress established the Federal Mine Safety and Health Review Commission (FMSHRC) as an independent adjudicatory body because prior experience with the Board of Mine Operations Appeals under the Secretary of Interior had not been entirely satisfactory. I believe it is crucial that the FMSHRC remain independent of all parties who come before it: the Secretary of Labor, miner representatives, mine operators and others. Only in this way can the Review Commission fulfill its statutory duty to rule fairly and impartially on cases before it.

You also inquire into the weight to be given to the position of the Secretary of Labor in cases before the Review Commission. Obviously, due deference must be given to the Secretary's interpretation of his own regulations; however, since

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the Secretary promulgates the regulations, I assume that he puts into them the language that he expects will make them clear for all concerned. His position in any specific piece of litigation should be given essentially the same weight as those of other litigants.

Your question as to participation of nonparties in litigation before the Review Commission is difficult to answer in the abstract. On a policy level, I certainly concur that interested nonparties should be allowed to brief relevant issues under consideration when the occasion so dictates. Such participation must be determined on a case-by-case basis within the discretion of the Review Commission.

(3) I have acted as counsel to coal and non-coal mine operators covered by the Mine Act since its passage, dealing directly with questions raised on inspections by MSHA, accident and fatality investigations, safety violations and health hazards. My experience includes underground, open pit, and mill and crusher operations.

My work under the Mine Act has been done while in private practice as a labor lawyer with the Denver firm of Sherman & Howard. My practice has included the full range of employment laws, but has concentrated on safety and health work since the Mine Act became effective.

As a result of this work, I have addressed various groups on the Mine Act and the rights and obligations it presents. These have included the Annual Convention of the Northwest Mining Association in Spokane, Washington; the AMAX Loss Prevention Seminar in Indianapolis; the Rocky Mountain Chapter of the American Hygienists Association in Denver; and the Carbon County (Wyoming) Mine Operators' Association.

(4) The recent budget directives will require a reduction in personnel at all levels. How those cuts will be achieved has not yet been determined. There are some existing vacancies on the Review Commission staff which may not be filled. It is also possible to reduce personnel to some extent because of the reduced caseload to which your seventh question refers. Altogether, I believe that the Review Commission will be able to comply with the 1982 budget cuts without adversely affecting its function. I am at present not sufficiently familiar with the entire budget to comment legitimately on achieving the goals

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outlined for 1983.

(5) No one, least of all myself coming from Denver, favors closing the Denver Office of the FMSHRC. Although that action may prove to be necessary, it is sincerely hoped that it can be avoided for just the reason you suggest: the local "presence" of the Denver Office contributes to timely review of mine safety and health cases and a sense among miners and mine operators that an impartial decisionmaker is available. We will work very hard to keep that office open.

(6) Availability of the review process is a necessary ingredient in effective compliance and enforcement of the Mine Act. It would be difficult to continue the present response capability of the FMSHRC and its ALJs if budgetary restraints forced closure of the Denver Office as well as curtailment of all travel so that litigants had to travel to Arlington to present their cases. These are, however, various options available which may reduce the budget while retaining accessibility. These might include greatly increased use of multiple phone conferences of all parties with the Judge to reduce disputed matters; travel restrictions covering sites within a certain radius of Arlington and Denver; closure of the Denver Office but increased travel of ALJs from Arlington to the West; trailing dockets to make full use of the time and cost of a Judge's trip since many cases settle just before hearing; increased activism on the part of the Judge early in litigation to compel the parties to face the issues squarely and, hopefully, bring appropriate settlements without the need for litigation. Naturally, these are just suggestions from someone who remains essentially outside the process at this time.

(7) My basic response to the reduction in caseload before the FMSHRC and its ALJs is that that is a good sign, for purposes of enforcement of the Mine Act and, more importantly, for health and safety in the nation's mines. Much of the initially high caseload resulted from extreme reactions to the new statute on both sides: enforcement that was not always balanced or fair and defensive anger from mine operators that was not always called for. The antagonism of those early days produced questionable citations and extensive litigation. The reduction in litigation presently occurring signals an improvement in understanding between the Agency and operators. This does not imply at all that the Act is not being strictly enforced. It does mean that the first phase of over-reaction has passed and MSHA, miners and mine operators are beginning to concentrate on the issues of mine health

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and safety rather than litigation.

Other elements may well play a part in the observed reduction in contested cases, particularly the lengthy coal strike in 1981 and the decision of the Review Commission interpreting "significant and substantial" which has markedly reduced the number of S&S violations, especially in metal/nonmetal mines.

Thank you for your interest in my nomination. I think I can add to the decision process by bringing to it actual experience with the enforcement of the Mine Act, and by bringing knowledge of the mining workplace, as well as a sincere desire to improve safety and health in our nation's mines. I look forward, with the consent of the Senate, to becoming a Member of the Federal Mine Safety and Health Review Commission.

Sincerely,


Rosemary M. Collyer

RMC:pm

The CHAIRMAN. With that, we will recess these hearings.
[Whereupon, at 2:45 p.m., the hearing was recessed, subject to
the call of the Chair.]

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